

EXHIBIT 27

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION)	MDL No. 2804
)	
)	Case No. 1:17-md-2804
THIS DOCUMENT RELATES TO:)	
<i>Track One Cases</i>)	Judge Dan A. Polster
)	

**DECLARATION IN SUPPORT OF HBC SERVICE COMPANY’S
MOTION FOR SUMMARY JUDGEMENT**

Pursuant to 28 U.S.C. § 1746, I, Robert McClune, hereby declare as follows:

1. I am the Senior Director, Pharmacy Procurement and Business Analytics at Giant Eagle, Inc. (“Giant Eagle”).

2. I submit this Declaration on behalf of Giant Eagle, of which Defendant HBC Service Company is a division, in support of HBC Service Company’s Motion for Summary Judgment.

3. In or around February of this year, I reviewed documents that contained information about medications (the “Medications”) contained in allegedly “inappropriate” prescriptions that certain Giant Eagle pharmacies (the “Giant Eagle Pharmacies”) dispensed to customers.

4. I understand that the National Drug Codes (“NDC”) for the Medications were:

00093089001, 00228287811, 00228287911, 00378912398, 00406036201, 00406052301,
00406172105, 00406177201, 00406177205, 00406177210, 00406324401, 00406839001,
00406851501, 00603499121, 00603499221, 00603546828, 00603546832, 10702000801,
10702000901, 10702005601, 10702005701, 50458084004, 50458086401, 52152021502,
52544053901, 58177031404, 59011010710, 59011044010, 59011046010, 59011048010,
59011083010, 59011086010, 60951065570, 60951065870, 60951070570, 63459054828,

63481043970, 63481057170, 63481061770, 63481069370, 63481081860, 66479058110, 67767012318.

5. I understand that the Giant Eagle Pharmacies were the pharmacies identified by numbers: 58, 209, 216, 217, 218, 224, 440, 515, 1225, 1263, 1298, 1618, 1620, 2108, 4022, 4029, 4030, 4031, 4032, 4036, 4095, 4124, 4387, 4601, 4701, 5863, 6375, 6376, 6381.

6. I understand that, as part of discovery in this litigation, Plaintiffs identified 124 prescriptions dispensed by the Giant Eagle Pharmacies containing these Medications.

7. I understand that the earliest prescription Plaintiffs identified was filled on January 15, 2007 and that the latest prescription Plaintiffs identified was filled on February 19, 2016.

8. Giant Eagle's invoicing records on orders from Pharmacies to any distributor (internal or external) go back to April 12, 2008. Giant Eagle did not begin self-distributing controlled substances until November 2009.

9. Along with Mahesh Murthy, Manager of Data Analytics at Giant Eagle, Inc., I examined Giant Eagle records regarding the listed Medications (as identified by NDC) to understand if Giant Eagle directly ordered these Medications from manufacturers in order to self-distribute them to Giant Eagle Pharmacies between April 12, 2008 and February 19, 2016.


10. My review of the distribution records produced in this case show that Giant Eagle did not self-distribute any of the Medications to the Giant Eagle Pharmacies from April 12, 2008 through February 19, 2016. Additional research of Giant Eagle's order records further revealed that from April 12, 2008 through February 19, 2016, McKesson Corp. and Anda, Inc.¹ distributed 100 percent of the Medications that were distributed to the Giant Eagle Pharmacies.

¹ McKesson Corp. and ANDA, Inc. were, respectively, Giant Eagle's primary and secondary suppliers of controlled substances during the period in question.

11. Based on this analysis, there is no possibility that Giant Eagle, through its self-distribution warehouse (i.e. HBC), self-distributed any of the Medications that were used to fill the allegedly inappropriate prescriptions.

I have read the above declaration consisting of eleven (11) paragraphs declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

2/26/19
Date



Robert McClune